

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
BROOKLYN DIVISION**

CASE NO.:

BRAD ROSS COHEN,

Plaintiff,

v.

FARTHINGS LLC and BOULEVARD
CREATIVES LLC,

Defendants.

COMPLAINT FOR COPYRIGHT INFRINGEMENT
(INJUNCTIVE RELIEF DEMANDED)

Plaintiff BRAD ROSS COHEN by and through his undersigned counsel, brings this Complaint against Defendants FARTHINGS LLC and BOULEVARD CREATIVES LLC for damages and injunctive relief, and in support thereof states as follows:

SUMMARY OF THE ACTION

1. Plaintiff BRAD ROSS COHEN (“Cohen”), brings this action for violations of exclusive rights under the Copyright Act, 17 U.S.C. § 106, to copy and distribute Cohen’s original copyrighted works of authorship.

2. Brad Ross Cohen is client is an experienced professional photographer who makes a living from photography. Cohen specializes in wedding photography in the northeast, mainly New Jersey, New York and Pennsylvania, and is highly sought after because he is masterful at capturing raw emotions in his subjects’ faces. He uses a modern, creative, photojournalistic approach to his craft. Cohen is enthralled with the winks, laughs, tears, and expressions and utilizes his creative eye to turn the tiny moments usually lost into memories for

his clients. Cohen brings his unique perspective and innovative approach to other clients, such as musicians, artists and companies, as well as designing artful images of still life, textures, animals, cities, jewelry and color play.

3. Defendant FARTHINGS LLC (“Farthings”) is a company specializing in crowd funding via its mobile device application.

4. Defendant BOULEVARD CREATIVES LLC (“Boulevard”) is a creative agency that designs and develops mobile applications.

5. Cohen alleges that Farthings LLC and Boulevard Creatives LLC copied Cohen’s copyrighted work from the internet in order to advertise, market and promote its business activities. Defendants committed the violations alleged in connection with Defendants’ businesses for purposes of advertising and promoting sales to the public in the course and scope of the Defendants’ businesses.

JURISDICTION AND VENUE

6. This is an action arising under the Copyright Act, 17 U.S.C. § 501.

7. This Court has subject matter jurisdiction over these claims pursuant to 28 U.S.C. §§ 1331, 1338(a).

8. Defendants are subject to personal jurisdiction in New York.

9. Venue is proper in this district under 28 U.S.C. § 1391(b) and (c) and 1400(a) because the events giving rise to the claims occurred in this district, Defendants engaged in infringement in this district, Defendants reside in this district, and Defendants are subject to personal jurisdiction in this district.

DEFENDANTS

10. Farthings LLC is a limited liability corporation with its principal place of business at 1921 Avenue K, #10B, Brooklyn, New York, 11230, and can be served by serving its Registered Agent, Sohaib Malik at the same address.

11. Boulevard Creatives LLC is a limited liability corporation with its principal place of business at 30 John Street, Brooklyn, New York, 11201, and can be served by serving its Registered Agent Nabil Mouzannar at 206 Front Street, 5D, Brooklyn, New York, 11201.

THE COPYRIGHTED WORK AT ISSUE

12. Cohen created a photograph which is shown below and referred to herein as the “Work”.



13. Cohen registered the Work with the Register of Copyrights on October 13, 2107 and was assigned the registration number Vau 1-294-228. The Certificate of Registration is attached hereto as Exhibit 1.

14. At all relevant times Cohen was the owner of the copyrighted Work at issue in this case.

INFRINGEMENT BY DEFENDANT

15. Defendants have never been licensed to use the Work at issue in this action for any purpose.

16. On a date after the Work at issue in this action was created, but prior to the filing of this action, Defendants copied the Work.

17. Defendants copied Cohen's copyrighted Work without Cohen's permission.

18. After Defendants copied the Work, they made further copies and distributed the Work on the internet to promote the sale of goods and services as part of their mobile application development company, and crowd funding mobile application.

19. Defendants copied and distributed Cohen's copyrighted Work in connection with Defendants' businesses for purposes of advertising and promoting Defendants' businesses, and in the course and scope of advertising and selling products and services.

20. Cohen's works are protected by copyright but are not otherwise confidential, proprietary, or trade secrets.

21. Defendants committed copyright infringement of the Work as evidenced by Exhibit 2.

22. Cohen never gave Defendants permission or authority to copy, distribute or display the Work at issue in this case.

23. Cohen notified the Defendants of the allegations set forth herein on May 2, 2017, June 16, 2017, and August 15, 2017. To date, Defendants have failed to respond to Plaintiff's Notices. Copies of the Notices to Defendants are attached hereto as Exhibit 3.

24. Plaintiff has engaged the undersigned attorneys and has agreed to pay them a reasonable fee.

COUNT I
COPYRIGHT INFRINGEMENT

25. Plaintiff incorporates the allegations of paragraphs 1 through 24 of this Complaint as if fully set forth herein.

26. Cohen owns a valid copyright in the Work at issue in this case.

27. Cohen registered the Work at issue in this case with the Register of Copyrights pursuant to 17 U.S.C. § 411(a).

28. Defendants copied, displayed, and distributed the Work at issue in this case and made derivatives of the Work without Cohen's authorization in violation of 17 U.S.C. § 501.

29. Defendants performed the acts alleged in the course and scope of its business activities.

30. Cohen has been damaged.

31. The harm caused to Cohen has been irreparable.

WHEREFORE, the Plaintiff prays for judgment against the Defendants that:

a. Defendant and its officers, agents, servants, employees, affiliated entities, and all of those in active concert with them, be preliminarily and permanently enjoined from committing the acts alleged herein in violation of 17 U.S.C. § 501;

b. Defendant be required to pay Plaintiff its actual damages and Defendant's profits attributable to the infringement, or, at Plaintiff's election, statutory damages, as provided in 17 U.S.C. § 504.

c. Plaintiff be awarded its attorneys' fees and costs of suit under the applicable statutes sued upon; and

d. Plaintiff be awarded such other and further relief as the Court deems just and proper.

JURY DEMAND

Plaintiff hereby demands a trial by jury of all issues so triable.

DATED: November 28, 2017

Respectfully submitted,

/s/ Joel B. Rothman

JOEL B. ROTHMAN

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